

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

CLERK'S OFFICE U.S. DIST. COURT  
AT DANVILLE, VA  
FILED for  
SEP 22 2005  
JOHN F. CORCORAN, CLERK  
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ERIC L. COLES, #285711,  
Plaintiff,

v.

SGT. T. MCCOY, et al.,  
Defendants.

)  
) Civil Action No. 7:05cv00471  
)

) MEMORANDUM OPINION  
)

)  
) By: Jackson L. Kiser  
) Senior United States District Judge

Plaintiff Eric L. Coles, # 285711, a Virginia inmate proceeding pro se, brings this action pursuant to 42 U.S.C. §1983, with jurisdiction vested under 28 U.S.C. §1343. By order entered August 17, 2005 plaintiff was assessed a filing fee of \$250.00 pursuant to 28 U.S.C. §1915(b) and directed to execute the then enclosed consent to withholding of fees from plaintiff's inmate account. Plaintiff was advised that failure to comply with the court's order within the allotted twenty days would result in dismissal of the complaint without prejudice.

Inasmuch as more than twenty days have elapsed and plaintiff has failed to make any attempt comply with that order, it is hereby

**ORDERED**

that this case shall be and hereby is **DISMISSED** without prejudice and that this case be and hereby is **STRICKEN** from the active docket of this court.

The Clerk of the Court is directed to send a certified copy of this Order to plaintiff.

ENTER: This 22nd day of September, 2005.

*Jackson L. Kiser*  
Senior United States District Judge